

PART 9-56—SELECTION OF CONTRACTORS BY BOARD PROCESS

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AUTHORITY: The provisions of this Part 9-56 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

SOURCE: The provisions of this Part 9-56 appear at 29 F.R. 13252, Sept. 24, 1964, unless otherwise noted.

§ 9-56.000 Scope of part.

This part sets forth AEC policies for the use of Contract Proposal Evaluation Boards and policies governing particular types of contracts.

[31 F.R. 9349, July 8, 1966]

§ 9-56.001 Applicability.

(a) The policies and requirements of this part are to be used in the selection of:

(1) Operating contractors; and

(2) Participants under the Power Demonstration Program.

(b) Also, they are to be used for contracts estimated to exceed \$500,000 in the selection of:

(1) Research and development contractors;

(2) Architect-engineer contractors, including those for advance engineering;

(3) Cost-type construction contractors; and

(4) Any other contractor where a judgment of relative technical and managerial capabilities of a group of firms must be made in which the primary objective is the selection of the best qualified firm.

(c) The policies and requirements of this part shall be used for the selection of the contractors for contracts referred to in paragraph (b) of this section estimated to cost less than \$500,000 whenever it is considered likely that later phases of the same project will cause the contract to exceed \$500,000.

(d) The policies and principles of this part are also applicable to the selection of contractors for contracts estimated to cost less than \$500,000, however, less formal procedures and practices than those described in this part may be followed, depending on the circumstances in each particular selection, at the discretion of the designating official.

(e) [Reserved]

(f) The policies and requirements of this part do not apply to the following:

(1) Extensions of contracts where it has been appropriately determined that formal selection procedures need not be followed;

(2) Formally advertised contracts or fixed-price negotiated contracts in which price is the primary consideration;

(3) Research and development contracts entered into under the criteria in AECPR 9-4.51 or AECPR 9-4.52;

(4) Determination as to whether a given scope of work should be performed in AEC-owned or in commercial facilities; and

(5) Determination as to which existing AEC operating contractor should perform a given scope of work.

NOTE: In paragraphs (b), (c), and (d) of this section, the \$500,000 limit applies to the related construction costs for A-E contracts. For A-E contracts, including selections for advance engineering work, where a related construction cost cannot be determined, the limit in the provisions applies to estimated contract cost of \$50,000.

[29 F.R. 13252, Sept. 24, 1964, as amended at 30 F.R. 7749, June 16, 1965]

§ 9-56.002 Policy, cost-type contractor procurement.

The following portions of this part constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR 9-1.5203.

AECPR and subject

- 9-56.000 Scope of part.
 - 9-56.001 Applicability.
 - 9-56.404 Selection of research and development contracts for work in commercial facilities.
 - 9-56.405 Selection of contractors for engineering and construction work.
- [31 F.R. 9349, July 8, 1966]

**Subpart 9-56.1—Contract Proposal
Evaluation Boards****§ 9-56.100 Scope of subpart.**

This subpart sets forth AEC policy concerning the use of Contract Proposal Evaluation Boards.

[31 F.R. 9349, July 8, 1966]

**§ 9-56.101 Use of Contract Proposal
Evaluation Boards.**

It is the policy of AEC to use Contract Proposal Evaluation Boards in the selection of contractors for contracts of the type referred to in AECPR 9-56.001 (a), (b), and (c).

[31 F.R. 9349, July 8, 1966]

**§ 9-56.102 Purpose of Contract Pro-
posal Evaluation Boards.**

The use of Contract Proposal Evaluation Boards is designed to:

- (a) Facilitate the selection of contractors;
- (b) Provide for selection of the best contractor for a given job;
- (c) Insure consistent treatment of firms under consideration; and
- (d) Help promote mutual understanding between AEC and its prospective contractors.

Subparts 9-56.2—Contractor Selection, and 9-56.3—Review and Approval of Selection Actions, are deleted and reserved.

[31 F.R. 9349, July 8, 1966]

Subpart 9-56.2 [Reserved]

Subpart 9-56.3 [Reserved]

Subpart 9-56.4—Policy Governing Particular Types of Contracts

§ 9-56.401 Replacement of contractors operating AEC-owned plants or laboratories.

(a) Where any of the following conditions exist, contractors operating AEC-owned plants or laboratories at AEC-owned locations are subject to replacement at the time their contracts are proposed for extension, and they will not be considered for selection to continue to operate such plants or laboratories, unless that action would be contrary to the Government's interest and if other qualified firms are available:

- (1) Marginal performance;
- (2) Conflict of interests between commercial and contract activities when found to outweigh the advantages of using contractors who are demonstrating a sufficient interest in the field of atomic energy to have maintained their own commercial program and thus are assisting in establishing a private, competitive nuclear industry; or
- (3) Overconcentration of the firm's activities in the Atomic Energy Commission's program.

(b) Where any of the following conditions apply, the normal selection process (i.e., requesting proposals from industry and others) will be considered for the selection of contractors described in paragraph (a) of this section at the time such existing contracts are proposed for extension, if qualified firms are available:

- (1) Where the existing operating contractor's performance is considered not better than average; or
- (2) Where the circumstances underscore the high desirability of giving adequate opportunity to other organizations to compete for the business of supplying services to the AEC.

§ 9-56.402 Replacement of service-type contractors performing services of a continuing nature for the AEC at AEC-owned locations.

The policy set forth in § 9-56.401 above is applicable to the replacement of on-site service-type contractors.

§ 9-56.403 Selection of new on-site service contractors.

Normally a firm will not be considered for selection for an on-site service contract where the work to be performed under the AEC contract, together with work being performed for other Government agencies and others, would place the firm in a predominant position in a field of industrial activity germane to the contract work, unless that action would be contrary to the Government's interest and if other qualified firms are available.

§ 9-56.404 Selection of research and development contracts for work in commercial facilities.

In selecting recipients of research and development work, it is basic AEC policy to assign the work where it can be done most effectively and efficiently. Where it is otherwise appropriate to assign the work to a commercial concern, it is also the policy of the AEC to make such wide distribution of contract awards as will encourage broad participation by qualified research and development contractors performing work in their own facilities in order to:

- (a) Maintain a competitive industrial bases; and
- (b) Prevent firms from attaining a predominant position in a major segment of the atomic energy industry.

§ 9-56.405 Selection of contractors for engineering and construction work.

(a) It is the policy of the AEC to encourage broad participation by qualified architect-engineers and constructors in the atomic energy programs to the fullest extent practicable in order to:

- (1) Avoid undue concentration of work with any firm or group of firms in a particular field of work (architect-engineer or construction); and
- (2) Develop and maintain a broad base of contractors with atomic energy experience and/or nuclear capability which may be used for AEC or commercial requirements.

(b) A firm currently under contract to AEC or to a cost-type AEC contractor shall not be invited to submit a proposal for work in the same field if the proposed project would be performed concurrently with the existing contract and if the estimated cost of the new construction work involved is in excess of \$10 million or the estimated cost of the architect-engineer services is in excess of \$1 million where a construction cost estimate cannot be determined. If, for cogent reasons, the designating official believes that such a firm should be invited, approval shall be obtained from the Division of Contracts. This requirement shall not apply to:

(1) Firms currently engaged only on AEC fixed-price construction contracts awarded as a result of formal advertising or invited bids;

(2) Any firm currently engaged on AEC contracts in the same field, the total of which involves construction costs of less than \$10,000,000; or

(3) Any architect-engineer firm after it has completed Title II work, exclusive of checking shop drawings, even though it still has Title III inspection services to perform.

NOTE A: Normally, only those firms which are compatible with the size and complexity of the job requirements should be invited; that is for a small relatively simple job, firms whose resources and qualifications are far in excess of the job requirements should not be solicited, and where size and simplicity of the job permit, invitees should be limited to the geographic area of the job.

(c) Normally, only those firms which are compatible with the size and complexity of the job requirements should be invited; that is, for a small relatively simple job, firms whose resources and qualifications are far in excess of the job requirements should not be solicited, and where size and simplicity of the job permit, invitees should be limited to the geographic area of the job.

[29 F.R. 13252, Sept. 24, 1964, as amended at 31 F.R. 9349, July 8, 1966]